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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,852	12/09/2003	Kiyonori Oyu	ELPIDA 03USFP943	5218
27667	7590 12/23/2005	EXAMINER		INER
HAYES, SOLOWAY P.C. 3450 E. SUNRISE DRIVE, SUITE 140 TUCSON, AZ 85718			NGUYEN, THINH T	
			ART UNIT	PAPER NUMBER
			2818	

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

		411
Application No.	Applicant(s)	
10/730,852	OYU ET AL.	
Examiner	Art Unit	
Thinh T. Nguyen	2818	

Deloit die i ming of an Appeal Brief	Examiner	Art Unit					
	Thinh T. Nguyen	2818					
The MAILING DATE of this communication appe	ears on the cover sheet with the c	orrespondence add	ress				
THE REPLY FILED 05 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.							
The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:							
a) The period for reply expiresmonths from the mailing							
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.							
Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7		E FIRST REPLY WAS F	ILED WITHIN				
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
NOTICE OF APPEAL The Notice of Appeal was filed on A brief in com	pliance with 37 CFR 41 37 must be	filed within two month	ns of the date of				
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).							
AMENDMENTS							
The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brief	, will <u>not</u> be entered b	ecause				
(a) They raise new issues that would require further consideration and/or search (see NOTE below);							
 (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or 							
(d) They present additional claims without canceling a		ected claims.					
NOTE: (See 37 CFR 1.116 and 41.33(a))		mnliant Amendment	(PTOL-324)				
4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s):							
8. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the							
non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows:							
Claim(s) allowed:							
Claim(s) objected to:							
Claim(s) rejected: Claim(s) withdrawn from consideration:							
AFFIDAVIT OR OTHER EVIDENCE							
B. The affidavit or other evidence filed after a final action, be because applicant failed to provide a showing of good ar was not earlier presented. See 37 CFR 1.116(e).	ut before or on the date of filing a N nd sufficient reasons why the affida	otice of Appeal will <u>no</u> vit or other evidence i	ot be entered s necessary and				
was not earlier presented. See 37 CFK 1.110(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).							
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.							
REQUEST FOR RECONSIDERATION/OTHER							
11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.							
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).							
13. 🗌 Other:							
Consideration of the Constant							
David Nelms Supervisory Potent Everyings							
Supervisory Patent Examiner Technology Center 2800							

Continuation of 11. does NOT place the application in condition for allowance because : of the reasons stated in the Final Office Action mailed on 09/29/2005 concerning claims 1-8

TTN

David Nelms
Supervisory Patent Examiner
Technology Center 2800